

UNITED STATES BANKRUPTCY COURT  
For The Western District of Michigan

In Re:

**Carla DeHollander**

**Case No. GK 05-12865  
Ch. 7**

Debtor(s).  
\_\_\_\_\_ /

NOTICE TO PARTIES IN INTEREST OF HEARING

**Notice is hereby given that a hearing** will be held at the United States Bankruptcy Court, 114 U.S. Courthouse and Federal Building, 410 W. Michigan Ave., **Kalamazoo, Michigan** on **July 11, 2006 at 10:00 a.m.** to consider and act upon the following matter:

**TRUSTEE'S MOTION FOR SALE OF VEHICLE UNDER §363**

If you want the court to consider your views on this matter, attend the hearing on the date stated above.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

You or your attorney may wish to file a written response to the motion explaining your position. Any response shall be mailed to the Clerk of the United States Bankruptcy Court, Post Office Box 3310, Grand Rapids, Michigan 49501, and should be received by the Clerk at least 3 (three) days before the above hearing date. A copy of your responses should also be mailed upon the opposing party and his/her attorney.

If you or your attorney do not take these steps, the court may decide to grant the relief sought in the motion and may enter an order granting relief requested.

DANIEL M. LAVILLE, CLERK OF COURT



Dated: June 5, 2006

\_\_\_\_\_/s/  
Kathleen M. Trapp, Deputy Clerk

Court returned to Matthew L. Lager, Esq for service upon the matrix. Court to serve the Buyer's List.

**NOTICE IS HEREBY GIVEN THAT THE COURT MAY**, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an continued or adjourned hearing may be obtained at the clerk's office from the court files or docket.

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

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IN RE:

CARLA DeHOLLANDER,

Debtor.

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Case No. GK 05-12865  
(Chapter 7 filed 09/12/05)

HON. JAMES D. GREGG  
Bankruptcy Judge

**MOTION FOR SALE OF VEHICLE UNDER §363**

Thomas R. Tibble, Trustee, through counsel, states as follows:

1. He is the duly appointed and acting Trustee in this Chapter 7 proceeding filed September 12, 2005.

2. Included in the property in this estate is a 1997 Dodge Dakota, VIN 1B7FL26P6VS215380 (the "Vehicle"), with mileage of approximately 109,000.

3. There is a bonafide dispute as to any lien on vehicle under 11 USC §363(f)(4). The Vehicle is not subject to a lien as State Farm Financial Services never perfected its purported interest.

4. The Trustee has received an offer to purchase the Vehicle from Michael Johnson for the sum of \$500.00. The offeror is not an insider. The bid is based upon wholesale value.

5. The Trustee proposes that the Vehicle be offered for sale in open Bankruptcy Court on the following terms:

- (a) Bidding shall commence at \$500.00 with subsequent bids in increments of not less than \$100.00.
- (b) The sale shall be on a cash basis with the successful bidder being required to make payment in full in cash or certified funds at the conclusion of the

bidding. No contingent bids shall be received. The purchaser shall pay all applicable sales tax.

- (c) The Vehicle shall be sold on an "as is, where is" basis, without representation or warranty, express or implied, of any kind, nature or description, including, without limitation, any warranty by description or marketability, merchantability, or usability, or of fitness for any purpose. The Trustee shall not be required to inspect or test or report on the condition of the Vehicle or the existence of any possible defects in the Vehicle.
- (d) The Vehicle shall be assigned to the purchaser without warranty of title. Possession shall be given to the purchaser at closing.
- (e) The described Vehicle shall be sold free and clear of all liens, encumbrances, and/or claims therein in accordance with 11 U.S.C. 363(f), with said liens, encumbrances, and/or claims attaching to the sale proceeds in the same order of validity, rank, and priority as now exists in the Vehicle. Any and all liens, claims and encumbrances shall be discharged when a copy of a subsequent Order Confirming Sale entered by this Court is filed with the applicable Department of Motor Vehicles for transfer of title of the Vehicle.
- (f) Any and all expenses of custody, protection, insurance or sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of the Vehicle, shall be charged against the sale proceeds with priority over all lien creditors and other claimants.
- (g) Arrangements for inspection of the Vehicle to be sold can be made by contacting Thomas R. Tibble, Trustee, 2813 West Main Street, Kalamazoo, Michigan 49006, (269) 342-9482.
- (h) Any person objecting to the validity, propriety or legality, and/or having any objection of any kind to the sale as described herein, shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve a copy thereof on the Trustee and the attorney for the Trustee at the addresses listed on this Motion, in accordance with Bankruptcy Rule 6004(b).

6. The Trustee believes that the sale of the Vehicle pursuant to the terms herein is in the best interests of the estate and its creditors.

WHEREFORE, Thomas R. Tibble, Trustee, prays:

A. That this Court authorize the sale of said Vehicle upon the terms and conditions set forth herein to Michael Johnson for \$500.00, or to any other purchaser for any additional sums as may be bid in open Court.

B. That the Court determine that the buyer is a good-faith purchaser for purposes of 11 U.S.C. §363(m).

C. That the Trustee be authorized to execute the necessary documents in conformance with the within terms, and to pay all expenses needed for closing to take place.

D. For all other relief that this Court finds just and equitable.

LEWIS, REED & ALLEN, P.C.

Dated: 6/2/06

By: /s/

Matthew L. Lager (P58589)

Attorneys for Trustee

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